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CIA-RDP89T00234R000200190023-1

TRANSMITTAL SLIP | DATE 24 JUL 1987

TO: Director/Public Affairs Office

ROOM NO.	BUILDING
7D00	Hq

REMARKS:

No Comments.

STAT

FROM: OCA/Legislation

ROOM NO.	BUILDING	EXTENSION
7B14	Hq	

FORM NO. REPLACES FORM 36-8 (47)

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CIA-RDP89T00234R000200190023-1

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OCA 87-3113
24 July 1987

MEMORANDUM FOR: (See internal distribution)

FROM: [redacted] STAT
Deputy Director for Legislation
Office of Congressional Affairs

SUBJECT: Draft Intelligence Community Legislative Program for Second Session of the 100th Congress: Request for Comments

1. This memorandum initiates the process of formulating the Intelligence Community Legislative Program for the Second Session of the 100th Congress (i.e., this year's program) by soliciting your comments for items to be included therein. The program, when finally prepared, will be submitted to the Office of Management and Budget (OMB) by the Director of Central Intelligence.

2. OMB requires the head of every Federal agency to submit each Fall for Administration clearance a proposed legislative program for the session of Congress which begins the following January. This program is submitted to OMB along with an agency's proposed budget for the next fiscal year.

3. Attached at Tab A is a copy of a draft program. The program is drafted on the assumption that Congress will not pass a two year Intelligence Authorization bill. The program includes some new items. It also includes, in the event no positive action occurs this Congress, those items from last year's program and/or the Intelligence Authorization bills currently before Congress (H.R. 2112 and S. 1243) in which there appears to be a continuing interest. We ask for your comments on these items as well as your suggestions for new proposals.

4. With respect to new proposals, it is not necessary to submit specific statutory language, or to specify a statute to be amended. A description of each problem or goal, accompanied by an explanation of why it is thought that legislation is necessary to solve or achieve it, is sufficient. All suggestions should also be accompanied by your component's views as to whether or not the proposal has Intelligence Community applicability. We ask for your comments by 14 August 1987.

5. I have also attached at Tab B a schedule for completing the legislative program and Intelligence Authorization bill. The

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schedule contains certain dates by which your comments will be due. You should study the schedule carefully since we intend to follow it closely to ensure that the Authorization Bill is sent to Congress in a timely manner.

6. A memorandum similar to this one is being sent to appropriate offices throughout the Intelligence Community.

STAT

Attachments:
As stated

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OCA 87-3113
24 July 1987

SUBJECT: Draft Intelligence Community Legislative Program for Second Session of the 100th Congress Request for Comments

INTERNAL Distribution:
1 - PAO
1 - SA/DCI
1 - SA/DDCI
1 - EXDIR
1 - DDO
1 - DDI
1 - DDS&T
1 - DDA
1 - Inspector General
1 - Comptroller
1 - Executive Registry
1 - General Counsel
1 - D/OP
1 - D/OS
1 - D/OF
1 - DD/Senate Affairs
1 - DD/House Affairs
1 - D/OCA
1 - OCA Registry
1 - OCA/Leg/Subject File (Legislative Program)
1 - [redacted] Signer
OCA/Leg [redacted] (24 July 1987)

STAT

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OCA 87-3112
24 July 1987

MEMORANDUM FOR: (See external distribution)

FROM: [redacted] STAT
Deputy Director for Legislation
Office of Congressional Affairs

SUBJECT: Draft Intelligence Community Legislative Program for Second Session of the 100th Congress: Request for Comments

1. This memorandum initiates the process of formulating the Intelligence Community Legislative Program for the Second Session of the 100th Congress (i.e., this year's program) by soliciting your comments for items to be included therein. The program, when finally prepared, will be submitted to the Office of Management and Budget (OMB) by the Director of Central Intelligence.

2. Attached at Tab A is a copy of a draft program. The program is drafted on the assumption that Congress will not pass a two year Intelligence Authorization bill. The program includes some new items. It also includes, in the event no positive action occurs this Congress, those items from last year's program and/or the Intelligence Authorization bills currently before Congress (H.R. 2112 and S. 1243) in which there appears to be a continuing interest. We ask for your comments on these items as well as your suggestions for new proposals.

3. With respect to new proposals, it is not necessary to submit specific statutory language, or to specify a statute to be amended. A description of each problem or goal, accompanied by an explanation of why it is thought that legislation is necessary to solve or achieve it, is sufficient.

4. I have also attached at Tab B a schedule for completing the legislative program and Intelligence Authorization bill. The schedule contains certain dates by which your comments will be due. You should study the schedule carefully since we intend to follow it closely to ensure that the Authorization bill is sent to Congress in a timely manner.

5. We ask for your comments on the program by 14 August 1987.

[redacted] STAT

Attachments:
As stated

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OCA 87-3113
24 July 1987

SUBJECT: Draft Intelligence Community Legislative Program
for Second Session of the 100th Congress
Request for Comments

EXTERNAL Distribution:

1 - IC Staff [redacted] STAT
1 - NSC Staff (Kelly)
1 - State (Wiant)
1 - DoD (Andrews)
2 - DIA [redacted] STAT
2 - NSA
1 - DoJ (Perkins
1 - FBI (O'Brien)
1 - Department of the Army (Winchester)

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CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM
FOR THE SECOND SESSION
OF THE 100th CONGRESS

LEGISLATIVE PROPOSALS

100/2 - 1: Fiscal Year 1989 Intelligence Authorization Act

The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1989 Intelligence Authorization Act for transmittal to the Congress.

100/2 - 2: Protection of Intelligence Information

The Director of Central Intelligence may propose legislation to provide criminal penalties for the unauthorized disclosure of classified information by federal employees, or others having authorized access to classified access. The DCI may support this proposal as contained in other legislation.

100/2 - 3: Department of Defense Proprietaries

At the request of the Department of Defense, the Director of Central Intelligence will include in the proposed Fiscal Year 1989 Intelligence Authorization Act legislation which would grant the Department of Defense authority to establish and operate corporations or other business entities in support of authorized and

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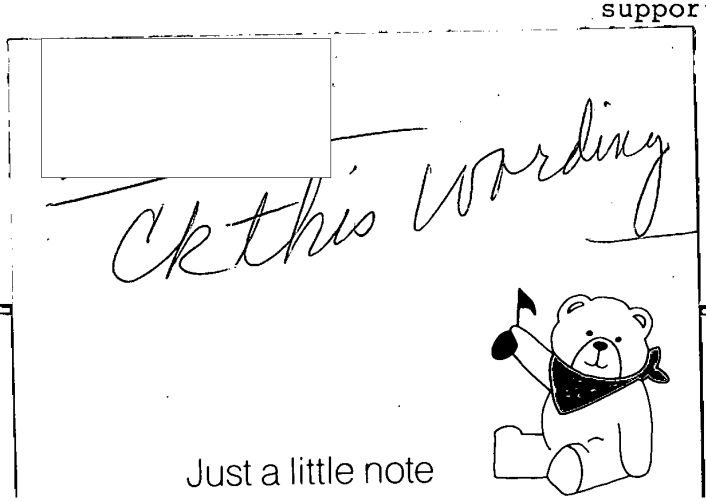

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appropriately coordinated intelligence activities and may support this proposal as contained in other legislation.

100/2 - 4 Death in Service Benefits

If it does not become law as part of the Fiscal Year 1988 Authorization Act, the Director of Central Intelligence may propose legislation to amend the law governing the Central Intelligence Agency Retirement and Disability System (CIARDS) so as to provide death in service benefits to qualifying former spouses retroactive to November 15, 1982.

100/2 - 5: Access by FBI to Tax Records for Counterintelligence Purposes

The Director of Central Intelligence may include in the proposed Fiscal Year 1989 Intelligence Authorization Act, at the request of the Federal Bureau of Investigation (FBI) and with the concurrence of the IRS, legislation that would authorize the FBI, upon approval by the Attorney General or his designee, to receive tax return and taxpayer information regarding individuals that are the subject of a counterintelligence investigation.

100/2 - 6: Clarification of CIA/NSA/DIA Drug & Alcohol Abuse Authorities

In light of the uncertainty created by recent case law concerning alcohol and drug abuse, the Director of Central Intelligence may propose or support legislation to ensure that the Central Intelligence Agency, the National Security Agency and the Defense Intelligence Agency are able to continue to deal with security problems in the area of

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alcohol and drug abuse without regard to the provisions of any other law, rule, or regulation.

100/2 - 7: Equalization of Uniform Allowance for Certain Foreign National Employees Employed by the Defense Intelligence Agency in Embassies Abroad

If it does not become law as part of the Fiscal Year 1988 Intelligence Authorization Act, the Director of Central Intelligence may, at the request of the Defense Intelligence Agency (DIA), propose legislation to provide the Director, DIA, the authority to pay certain foreign national employees employed by DIA in embassies abroad an annual uniform allowance equivalent to that paid by the Department of State to foreign national employees in similar positions.

100/2 - 8: Exemption for the Defense Intelligence Agency (DIA) from Certain Federal Personnel Data Reporting Requirements

If it does not become law as part of the Fiscal Year 1988 Intelligence Authorization Act, the Director of Central Intelligence at the request of the Defense Intelligence Agency (DIA), may propose a statutory exemption for DIA from certain routine, unclassified federal personnel data reporting requirements.

100/2 - 9: Eligibility of Defense Intelligence Agency Military Attaches and Civilian Personnel Assigned to Defense Attache Offices for Department of Defense Death Gratuity for Members and Employees Assigned to Intelligence Duties Abroad

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The Director of Central Intelligence may propose, at the request of the Defense Intelligence Agency, an amendment to Chapter 75 of Title 10 United States Code, to allow surviving dependents of military attaches and civilian personnel supporting such attaches killed while serving in embassies abroad to be eligible for the current Department of Defense death gratuity available to surviving dependents of members of the Armed Forces and Department of Defense employees killed while assigned to intelligence duties abroad.

100/2 - 10: <u>Clarification of Security Authorities</u>

In order to ensure the integrity of security investigations and determinations, the Director of Central Intelligence may propose legislation to clearly establish that the authority of Executive Branch officials to make security clearance and access determinations is committed to the discretion of Executive Branch officials by law and not subject to administrative or judicial review under the provisions of any statute.

100/2 - 11 <u>Tax Exemption for Allowances Paid to Certain NSA and DIA Employees</u>

If it does not become law as part of the Fiscal Year 1988 Intelligence Authorization Act, the Director will include in the proposed Fiscal Year 1989 Intelligence Authorization Act an amendment to the Internal Revenue Code to exempt from taxation allowances paid to certain NSA and DIA employees. Currently, these same allowances as paid to employees of the Foreign Service

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and the Central Intelligence Agency are tax exempt.

100/2 - 12 — Retroactive Pay for Certain NSA Employees

At the request of the National Security Agency (NSA), the Director of Central Intelligence may include in the proposed Fiscal Year 1989 Intelligence Authorization Act an amendment to the NSA Act of 1959 to authorize the award to otherwise eligible NSA employees of the retroactive pay benefits awarded to certain non-NSA employees by virtue of the decision in Squillacote v. United States, 739 F.2d 1208 (7th Cir. 1984), cert. denied, 105 S.C. 2021 (1985).

100/2 - 13 — Permanent Termination Authority - DIA Civilian Employees

The Director of Central Intelligence may propose as part of the Fiscal Year 1989 Intelligence Authorization Act legislation making permanent the authority to terminate DIA civilian employees.

100/2 - 14 — Permanent Personnel Management Authority - DoD Military Intelligence Personnel

The Director of Central Intelligence may include in the proposed Fiscal Year 1989 Intelligence Authorization Act legislation making permanent personnel management authority for DoD military intelligence personnel.

110/2 - 15 — FBI New York Field Division Compensation

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If it does not become law as part of the Fiscal Year 1988 Intelligence Authorization Act, the Director of Central Intelligence will include in the proposed Fiscal Year 1989 Intelligence Authorization Act legislation authorizing the Director of the FBI to pay additional compensation to the N.Y. Field Division of the FBI to the extent appropriate to defray unusual living expenses associated with such employment.

100/2 - 16:

Secure Promotions for Certain Military Intelligence Officers

The Director of Central Intelligence, at the request of the Department of the Army, may propose legislation to establish a method of securely promoting certain U.S. Army military intelligence officers. Currently, these officers are promoted in accordance with an unwritten agreement between the Congress and the Executive Branch. The legislative proposal would establish a viable permanent method for their secure promotion.

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Tab B

INTELLIGENCE COMMUNITY LEGISLATIVE PROGRAM
AND INTELLIGENCE AUTHORIZATION BILL

JULY AUG SEPT OCT NOV DEC JAN

Intelligence Community Legislative Program

Call memo and first draft to Community----------24

Proposals received from Community----------14

Second draft circulated to Community----------21

Comments due on Second draft----------4

Program submitted to OMB----------30

Intelligence Authorization Bill

Call memo to Community for statutory language----------1

Statutory language due from Community----------14

First draft circulated to Community----------21

Comments due on first draft----------5

Bill to DCI for submission to OMB----------12

DCI sends cleared bill to Congress----------15

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